

25.07.2023
Serial no. 11
[G.S.D]

CRR 2683 of 2023

In the matter of : Md. Abdur Rashid Sk.

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Poulami Bose

... For the Petitioner

Mr. Saswata Gopal Mukherjee
Mr. Saryati Datta

... for the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Saryati Datta, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

Learned Advocate appearing for the petitioner submits that a Sessions Case being case no. 359 of 2021 (Sessions Trial No. 01 of December 2021) is pending before the Learned Additional District and Sessions Judge, 3rd Fast Track Court, Berhampore, Murshidabad.

The charges were framed on December, 2021 and, thereafter, seven witnesses have been examined-in-chief only. The defence filed an application under Section 231(2) of the Code of Criminal Procedure, which was allowed and, subsequently, cross-examination has been held in respect of the two witnesses concerned.

The grievance of the petitioner is that apart from the cross-examination, the examination/evidence of rest of the five witnesses are yet to be completed from the nine other witnesses, who are to be examined in full.

Learned Advocate submits that the case is under Section 302 and 34 of the Indian Penal Code and the complainant is anxious as to when the trial is to be completed because of the different dilatory tactics adopted by the accused persons.

Having considered the plight of the complainant, I am of the view that the same is partially justified, although, the Learned Trial Court is taking all efforts for progressing with the trial of the case.

Accordingly, I direct that the cross-examination of the rest of the five witnesses are to be completed by 30th of September, 2023.

So far as the rest of the nine witnesses are concerned, it has been submitted that most of them belong to the Police Department or are associated with the Hospitals.

The Learned Trial Court would seek the assistance of the Superintendent of Police of the concerned District, who would ensure regarding the presence of the witnesses on the date so fixed for hearing and all efforts be taken so that the

evidence of the prosecution witnesses are completed by 31st of December, 2023.

So far as rest of the procedure is concerned, the Learned Trial Court would fix regular dates/schedule and thereafter proceed for pronouncing judgments.

With the aforesaid observations, CRR 2683 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)